

### REMARKS

Claims 1-2 and 4-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over European Patent Application No. 97660047.8 ("Lehtinen") in view of U.S. Patent No. 6,332,175 ("Birrell"). Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Lehtinen, in view of Birrell, U.S. Patent No. 6,212,359 ("Knox"), and U.S. Patent No. 6,470,051 ("Campisano").

With reference to Claim 1, Lehtinen is directed to a bi-directional apparatus and a unidirectional apparatus that when used in combination allows the authorized receiving of broadcast data by the unidirectional apparatus. Specifically, Lehtinen is directed to a bi-directional terminal, which could include a pager or phone, in combination with a uni-directional broadcast receiver such as a TV or computer (Fig. 1; Fig. 2; Col. 2, lines 53-58; Col. 3, lines 46-54, Col. 4, lines 39-43) connected via a communications link (Col. 8, lines 17-20). In addition, Lehtinen is directed to the receiving of streamed data and the purposeful non-use of a memory for storing media data (Col. 3, line 54 – Col. 4, line 4).

Lehtinen does not disclose, teach, or suggest a mobile phone comprising "a phone module... to make mobile communications..." and "for enabling digital audio data to be downloaded from a personal computer..." as is recited in Claim 1. Lehtinen does not disclose, teach, or suggest the mobile phone comprising "a digital audio data module for storing digital audio data from said phone module..." and "for playing or stopping sound reproduced from the stored digital audio data..." as is also recited in Claim 1.

To the contrary, Lehtinen teaches away from a phone having a module for storing and playing digital audio data by requiring a separate receiver device (in addition to a phone-type device) for receiving and playing media data. Moreover, neither the phone-type device nor the receiver includes a memory device for storing digital audio data. In contrast to the claimed invention, Lehtinen discloses playback by the receiver of only data that is streamed directly from a broadcast system, and thus the phone-type device does not playback media data or exchange media data with the receiver.

Birrell is directed to a portable audio player that plays audio data from a non-volatile memory after the audio data has been loaded into the non-volatile memory from a storage disk, wherein the storage disk is preferably a hard drive having (Col. 4, lines 1-29). Birrell does not cure the defects of Lehtinen. Thus it is submitted that Claim 1 is patentable over Lehtinen in view of Birrell. By virtue of its dependency upon Claim 1, which is believed to be in allowable condition, it is further submitted that Claim 2 is also patentable.

With reference to Claim 3, neither Knox nor Campisano cures the defects of Lehtinen in view of Birrell. By virtue of its dependency upon Claim 1, which is believed to be in allowable condition, it is submitted that Claim 3 is also patentable.

Claim 4 has been amended. No new subject matter has been added. Claim 4, as amended, recites "downloading digital audio data stored in a personal computer to a memory device of said mobile phone; and selectively reproducing or playing said digital audio data stored in said memory device; wherein said mobile phone includes a phone module for mobile

communications and a digital audio data module, said digital audio data module for storing said digital audio data to said memory device, and using said stored digital audio data to produce audible sounds, further wherein said mobile phone can be connected to said personal computer by means of an adapter". Neither Lehtinen nor Birrell discloses, teaches, or suggests all of the elements recited in amended Claim 4. Thus, it is submitted that amended Claim 4 is patentable over Lehtinen in view of Birrell. Moreover, it is submitted that Claims 5-11, by virtue of their dependency upon amended Claim 4, are also patentable.

It is respectfully submitted that all pending claims, specifically, Claims 1-11, are in condition for allowance. If the Examiner has any questions regarding this communication or feels that an interview would be helpful in prosecuting this application, the Examiner is requested to contact the undersigned.

Respectfully submitted,



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